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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
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| 09/872,376   | 06/01/2001  | Mitchell T. Berg     | 29820.10                     | 2812             |
| 7590   | 06/01/2005  |                      | EXAMINER<br>DAVIS, CYNTHIA L |                  |
| Seed Intellectual Property Law Group PLLC<br>701 Fifth Avenue<br>Suite 6300<br>Seattle, WA 98105 |             |                      | ART UNIT<br>2665             | PAPER NUMBER     |

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,376

Applicant(s)

BERG, MITCHELL T.

Examiner

Cynthia L Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/17/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,8-12,15 and 18-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 8-12, 15, and 18-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/25/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 5, 8, 9-12, 15, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 2, 12, 22, 23, 25, 29, 30, 32, 34, and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-11, 13-20, 24, 26, 28, 31, 33, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung in view of Flynn.

Regarding claim 1, a first computing device configured to receive from a second computing device, and a first local area network a first information packet, the second computing device being configured to receive the first information packet from a global computer network, a first router and a second local area network that bypasses the first

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local-area network is disclosed in Leung, figure 2B, elements 206 (the second computing device), element 14 (the first LAN), R1 (the first router), 16 (the first computing device), and the arrow going from element 206 to element 10. There being a second LAN between element R1 (the first router) and 206 (the second computing device) is missing from Leung. However, Flynn discloses in figure 1B, element 1, a LAN between a router and a computing device (element 7). It would have been obvious to one skilled in the art at the time of the invention to have a second LAN between the first router and the second computing device. The motivation would be to have the router route packets from the computing device to wherever they need to go. The first device outputting a second information packet to the global computer network, such that the second information packet bypasses the second computing device is disclosed in Leung, figure 2B, the arrow between elements 10 and 18.

Regarding claim 11, a first computing device configured to receive from a second computing device and from a first local area network a first information packet, the second computing device receiving the first information packet from a global computer network, a first router, and a second local area network that bypasses the first local area network is disclosed in Leung, figure 2B, elements 206 (the second computing device), element 14 (the first LAN), R1 (the first router), 16 (the first computing device), and the arrow going from element 206 to element 10. There being a second LAN between element R1 (the first router) and 206 (the second computing device) is missing from Leung. However, Flynn discloses in figure 1B, element 1, a LAN between a router and a computing device (element 7). It would have been obvious to one skilled in the art at

the time of the invention to have a second LAN between the first router and the second computing device. The motivation would be to have the router route packets from the computing device to wherever they need to go. The first device outputting a second information packet to the global computer network, such that the second information packet bypasses the second computing device is disclosed in Leung, figure 2B, the arrow between elements 10 and 18.

Regarding claims 5 and 15, the first computing device is further configured to receive a third information packet from the global computer network and the second local area network is disclosed in Leung, figure 2B, the arrows between elements 18 and 206, and 206 and 10.

Regarding claims 8 and 18, the first computing device comprising a network interface card is disclosed in Leung, column 9, lines 47-48.

Regarding claims 9 and 19, the first information packet originating from a client, and wherein the second computing device is coupled to the first router device and the global computer network to the client is disclosed in figure 2B (element 206, the home agent, is a client; element 206 is coupled to router R1 and the global network).

Regarding claims 10 and 20, the second information packet including the first information packet and a reference to a data structure of a connection with the client is disclosed in Leung, column 2, lines 20-44 (describing tunneling, which attaches extra connection information to a forwarded packet).

Regarding claims 24 and 31, the second computing device comprises an intelligent network interface card is disclosed in Leung, column 9, lines 47-48.

Regarding claim 33, a first device; a second device, a first network coupled to the first device and to the second device; and a second network coupled to the first device and to the second device, wherein the first device is configured to receive an information packet from a global computer network and the first local area network and to forward the information packet to the second device from the second local area network is disclosed is disclosed in Leung, figure 2B, elements 206 (the second computing device), element 14 (the first LAN), R1 (the first router), 16 (the first computing device), and the arrow going from element 206 to element 10. There being a second LAN between element R1 (the first router) and 206 (the second computing device) is missing from Leung. However, Flynn discloses in figure 1B, element 1, a LAN between a router and a computing device (element 7). It would have been obvious to one skilled in the art at the time of the invention to have a second LAN between the first router and the second computing device. The motivation would be to have the router route packets from the computing device to wherever they need to go. The second device is configured to bypass the first device when outputting a second information packet to the global computer network is disclosed in Leung, figure 2B, the arrow between elements 10 and 18.

Regarding claim 36, the second information packet includes the first information packet and a reference to a data structure of a connection with a client is disclosed in Leung, column 2, lines 20-44 (describing tunneling, which attaches extra connection information to a forwarded packet).

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Regarding claim 37, receive via a computing device and a first local-area network first information, the computing device being configured to receive the first information via a global computer network, a first router and a second local-area network that bypasses the first local-area network is disclosed in Leung, figure 2B, elements 206 (the second computing device), element 14 (the first LAN), R1 (the first router), 16 (the first computing device), and the arrow going from element 206 to element 10. There being a second LAN between element R1 (the first router) and 206 (the second computing device) is missing from Leung. However, Flynn discloses in figure 1B, element 1, a LAN between a router and a computing device (element 7). It would have been obvious to one skilled in the art at the time of the invention to have a second LAN between the first router and the second computing device. The motivation would be to have the router route packets from the computing device to wherever they need to go. Transmit a second information to the global computer network by a signal path that bypasses the computing device is disclosed in Leung, figure 2B, the arrow between elements 10 and 18.

Regarding claim 38, the signal-bearing medium is configured to receive the first information before transmitting the second information is disclosed in figure 1 (the registration must occur before any other packets are sent).

3. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung in view of Flynn in further view of Brendel.

Regarding claims 21 and 27, the first computing device outputs the second information packet to the global computer network from a second router is missing from

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Leung. However, Brendel discloses this in column 6, lines 30-32 (outgoing packets bypass the load balancer), column 9, line 27 (three are multiple external routers in the server farm, different servers would use different routers to route outgoing packets), and figure 19, elements 140 and 146. It would have been obvious to one skilled in the art at the time of the invention to output the packet via a second router. The motivation would be to balance between routers on the network.

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leung in view of Flynn in further view of Golembeski.

Regarding claim 39, the signal-bearing medium is a wire is missing from Leung. However, Golembeski discloses in column 2, line 46, a wire bearing a signal. It would have been obvious to one skilled in the art at the time of the invention to use a wire to bear a signal. The motivation would be to use a medium that is old and well known in the art for bearing signals.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leung in view of Flynn in further view of Copeland.

Regarding claim 40, the signal-bearing medium is a storage medium is missing from Leung. However, recording and reading signals from a storage medium is disclosed in Copeland, column 4, lines 41-42. It would have been obvious to one skilled in the art at the time of the invention to use a storage medium as the signal bearing medium. The motivation would be to use a medium that is old and well known in the art for bearing signals.

### ***Conclusion***




Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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